



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

July 13, 1994

CERTIFIED MAIL NO. P842769527
RETURN RECEIPT REQUESTED

WARNING LETTER

In reply, refer to H-4-3

Mr. Jeffrey S. Walsh
Environmental Health & Safety Manager
Westates Carbon-Arizona Incorporated
2523 Mutahar St., P.O. Box E
Parker, Arizona 85344

Dear Mr. Walsh:

On March 15, 1994, a hazardous waste investigation was conducted by representatives of the United States Environmental Protection Agency (U.S. EPA) at Westates Carbon-Arizona Incorporated in Parker, Arizona, U.S. EPA Identification Number AZD982441263. During the course of this investigation, information was gathered in accordance with Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended [42 U.S.C. 6927]. A copy of the investigation report is enclosed for your information and response. The report describes conditions at the facility at the time of the investigation, and identifies areas of noncompliance with RCRA regulations and potential violations of Subtitle C of RCRA. Any omissions in the report shall not be construed as a determination of compliance with applicable regulations.

Pursuant to Section 3008 of RCRA [42 U.S.C. 6928] you are required to correct the identified areas of noncompliance and to submit documentation of their correction to U.S. EPA within 30 calendar days of your receipt of this letter. Your response must include a letter signed by a duly authorized official of your facility, certifying correction of the identified areas of noncompliance. Documentation of your return to compliance may consist of, among other things, photographs, manifests and revised records. Where compliance cannot be achieved within 30 days, you must provide the reasons for the delay, a description of each corrective action planned and a schedule on which each corrective action will be taken.

By copy of this letter, U.S. EPA is providing the Colorado River Indian Tribes and the State of Arizona with notice of the referenced violations of Subtitle C of RCRA and

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EPA's intent to take the appropriate enforcement action to resolve the referenced violations.

Your response to this letter will be considered in determining the need for further enforcement action. Violations of Subtitle C of RCRA such as those listed in the enclosed report may be punishable by civil and criminal actions, including penalties of up to \$25,000 per day for each violation as provided by Section 3008 of RCRA.

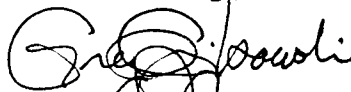
U.S. EPA routinely provides copies of investigation reports to State agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations (40 CFR Part 2). If you believe this report contains privileged or confidential information, you may make a claim within fifteen (15) working days from your receipt of this letter. U.S. EPA will construe your failure to furnish a timely claim as a waiver of the confidentiality claim.

Your response to this Warning Letter, due within 30 days of your receipt of this letter, shall be mailed to:

Diane Bodine, H-4-3
Waste Compliance Branch
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105

If you have questions related to technical aspects of the investigation report or this letter, please contact Diane Bodine at (415) 744-2129.

Sincerely,



Greg Czajkowski
Chief
Compliance Section

Enc.

cc: Connor Byestewa, Colorado River Indian Tribes; (w/o Encs.)
Pat Kuefler, ADEQ (w/o Encs.)
Steve Etsitty E-4 (w/o Encs.)
Amy Heuslein (BIA) " "
Rodney McVey (BIA) " "
Daniel Eddy, Jr. (CRIT) " "
Butch Creamer (PHS) " "